

UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS			
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name Sprinkler Fitters and Apprentices Local Union 281 UA		b. Union Representative to Contact	
c. Address 11900 S LARAMIE AVE, ALSIP, IL 60803-3125		d. Tel. No. (708)597-1800	e. Cell No.
		f. Fax No. (708)597-1894	g. e-Mail
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
Within the last six months,,the above-named labor organization has restrained and coerced employees by operating a hiring hall in a manner that was arbitrary, discriminatory or in bad faith.			
3. Name of Employer US Fire Protection		4a. Tel. No. 847-816-0050	4b. Cell No.
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 28427 North Ballard Unit H Lake Forest, IL 60045		6. Employer representative to contact	
7. Type of Establishment (factory, mine, wholesaler) Sprinkler contractor	8. Principal product or service sprinklers	9. Number of Workers employed unknown	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No.	11b. Cell No. (b) (6), (b) (7)(C)
		11c. Fax No.	11d e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By:		Tel No.	
(signature of representative or person making charge)		Cell No. (b) (6), (b) (7)(C)	
Print/type name and title or office, if any)an individual		Fax No.	
Address: (b) (6), (b) (7)(C)		Date: April 9, 2012	e-Mail (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

IO Inquiry

Name: _____

Address: See Charge

Phone #: _____

Name of Company: _____

Name of Union: _____

Brief Summary of the Problem:

8b1A - hiring hall → claims that sometimes
Union acts as hiring hall & sometimes
not. Inconsistency in hiring...
(has not worked since 2009)

Charge taken? Yes ☒ No ☐ - Walk-in ☒ Mailed/Faxed _____ IOF? Yes _____ No ☒

See IO? Yes _____ No ☒

Does the charge allege conduct within one (1) week of the 10(b) period? Yes _____ No ☒
If yes, please notify the ARD immediately.

If yes, has the Charging Party been advised regarding service of the charge? Yes _____ No ☒

Is there a grievance pending? Yes _____ No ☒ Is deferral likely? Yes _____ No ☒

Is 10(j) relief requested or arguably appropriate? Yes _____ No ☒

Is there currently an active organizing campaign? Yes _____ No ☒

Does the charge block an R case? Yes _____ No ☒ Number _____

Recommended Classification: III ☒ II _____ I _____

Any language issue with CP? Yes _____ No ☒ If yes, what language? _____

Board Agent: _____ Date: 4/9/12

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD		DO NOT WRITE IN THIS SPACE	
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		Case 13-CB-078443	Date filed 3/9/12
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1 LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a Name Sprinkler Fitters and Apprentices Local Union 281 UA		b Union Representative to Contact	
c Address 11900 S LARAMIE AVE, ALSIP, IL 60803-3125		d Tel No (708)597-1800	e Cell No
		f Fax No (708)597-1894	g e-Mail
h The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act			
2 Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
Within the last six months, the above-named labor organization has restrained and coerced employees by operating a hiring hall in a manner that was arbitrary, discriminatory or in bad faith.			
3 Name of Employer US Fire Protection		4a Tel No 847-816-0050	4b Cell No
		4c Fax No	4d e-Mail
5 Location of Plant involved (street, city, state, and ZIP code) 28427 North Ballard Unit H Lake Forest, IL 60045		6 Employer representative to contact	
7 Type of Establishment (factory, mine, wholesaler) Sprinkler contractor	8 Principal product or service sprinklers	9 Number of Workers employed unknown	
10 Full name of party filing charge (b) (6), (b) (7)(C)		11a Tel No	11b Cell No
		11c Fax No	11d e-Mail
		(b) (6), (b) (7)(C)	
11 Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By (b) (6), (b) (7)(C)		an individual	
(Signature)		Print/type name and title or office, if any/an individual	
Address (b) (6), (b) (7)(C)		Date April 9, 2012	e-Mail (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA) 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)

Cases

New	Case Number	Case Name	Status	Date Filed	IA Category	Charging Party/ Petitioner	Blocked	Dispute/Unit City	Charged Party/Employer	Hot Topics	Dispute/ Unit State	No 8(b)(2) Discriminatees	No 8(a)(3) Discriminatees	No of Employees on Petition/Charge	Team	Field Agent	Field Supervisor	Barg Status	Closed Reason	Date Closed	Description	Type	Sub Type
	13-CC-002730	United Association of Sprinkler Fitters, Local 281 (Hill Mechanical Corporation)	Closed	6/8/2011	3	HILL MECHANICAL CORPORATION	No	Alsip	UNITED ASSOCIATION OF SPRINKLER FITTERS LOCAL 281 (b) (6),		IL			450	CORTEGA	CORTEGA	RPAZ		Withdrawal Non-adjusted	6/22/2011		C	CC

(b) (7)(E)

Cases

New	Case Number	Case Name	Status	Date Filed	IA Category	Charging Party/ Petitioner	Blocked	Dispute/Unit City	Charged Party/Employer	Hot Topics	Dispute/ Unit State	No. 8(b)(2) Discriminatees	No. 8(a)(3) Discriminatees	No. of Employees on Petition/Charge	Team	Field Agent	Field Supervisor	Barg Status	Closed Reason	Date Closed	Description	Type	Sub Type
-----	-------------	-----------	--------	------------	-------------	-------------------------------	---------	----------------------	---------------------------	---------------	---------------------------	-------------------------------	-------------------------------	---	------	----------------	---------------------	----------------	------------------	----------------	-------------	------	-------------

No Input for Employer

(b) (7)(E)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
209 S LA SALLE ST STE 900
CHICAGO, IL 60604-1443

Agency Website: www.nlr.gov
Telephone: (312)353-7570
Fax: (312)886-1341

April 10, 2012

SPRINKLER FITTERS AND APPRENTICES
LOCAL UNION 281 UA
11900 S LARAMIE AVE
ALSIP, IL 60803-3125

Re: Sprinkler Fitters and Apprentices Local
Union 281 UA
(US FIRE PROTECTION)
Case 13-CB-078443

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney DANIEL MURPHY whose telephone number is (312)353-7595 and e-mail address is daniel.murphy@nlrb.gov. If this Board agent is not available, you may contact Supervisory Attorney JESSICA T. MUTH whose telephone number is (312)353-7643.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge by April 23, 2012. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'P. Sung Ohr', with a long horizontal stroke extending to the right.

PETER SUNG OHR
Regional Director

dg
Enclosure:

Copy of Charge

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**SPRINKLER FITTERS AND APPRENTICES
LOCAL UNION 281 UA**

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 13-CB-078443

AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 10, 2012, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

SPRINKLER FITTERS AND
APPRENTICES LOCAL UNION 281 UA
11900 S LARAMIE AVE
ALSIP, IL 60803-3125

April 10, 2012

Date

Denise Gatsoudis, Designated Agent of
NLRB

Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
209 S LA SALLE ST STE 900
CHICAGO, IL 60604-1443

Agency Website: www.nlrb.gov
Telephone: (312)353-7570
Fax: (312)886-1341

April 10, 2012

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Re: Sprinkler Fitters and Apprentices Local
Union 281 UA (US FIRE PROTECTION)
Case 13-CB-078443

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on April 9, 2012¹⁰⁰:April 9, 2012 has been docketed as case number 13-CB-078443. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge will be investigated by Field Attorney DANIEL MURPHY whose telephone number is (312)353-7595. If the Board agent is not available, you may contact Supervisory Attorney JESSICA T. MUTH whose telephone number is (312)353-7643.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.


Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlrb.gov. However, the Agency will continue to accept timely filed

paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to be "P. Sung", with a long horizontal line extending to the right.

PETER SUNG OHR
Regional Director



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
209 S LA SALLE ST STE 900
CHICAGO, IL 60604-1443

Agency Website: www.nlr.gov
Telephone: (312)353-7570
Fax: (312)886-1341

April 10, 2012

US FIRE PROTECTION
28427 N BALLARD DR
UNIT H
LAKE FOREST, IL 60045-4551

Re: Sprinkler Fitters and Apprentices Local
Union 281 UA
(US FIRE PROTECTION)
Case 13-CB-078443

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge will be investigated by Field Attorney DANIEL MURPHY whose telephone number is (312)353-7595 and e-mail address is daniel.murphy@nlrb.gov. If this Board agent is not available, you may contact Supervisory Attorney JESSICA T. MUTH whose telephone number is (312)353-7643.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. On all your correspondence regarding the charge, please include the case name and number indicated above.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures*, offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to be 'P. Sung', with a long horizontal line extending to the right.

PETER SUNG OHR
Regional Director

dg

Enclosures

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

Sprinkler Fitters and Apprentices Local Union 281 UA (US FIRE PROTECTION)

CASE NUMBER

13-CB-078443

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)**YES NO**A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

(b) (6), (b) (7)(C) Complainant,

and

Sprinkler Fitters and Apprentices, Local Union No. 281 UA

CASE 13-CB-78443

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Sprinkler Fitters and Apprentices, Local Union No. 281

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Matthew J. Cleveland - Hogan Marren, Ltd.

MAILING ADDRESS: 321 N. LaSalle Street, Suite 1301, Chicago, IL 60654

E-MAIL ADDRESS: mjc@hmltd.com

OFFICE TELEPHONE NUMBER: 312-946-1800

CELL PHONE NUMBER: 312-823-3569 FAX: 312-946-9818

SIGNATURE: 

(Please sign in ink)

DATE: 4-17-12

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

**UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD**

(b) (6), (b) (7)(C)

Charging Party,

and

SPRINKLER FITTERS AND APPRENTICES
LOCAL UNION NO. 281 U.A.,

Respondent.

)
)
)
)
)
)
)
)
)
)

Case No. 13-CB-78443

RESPONDENT'S STATEMENT OF POSITION

NOW COMES SPRINKLER FITTERS AND APPRENTICES LOCAL UNION NO. 281, U.A. ("Local 281" or the "Union"), by and through its attorneys, Hogan Marren, Ltd., and as its Statement of Position in the above-captioned matter, states the following:

INTRODUCTION

On April 9, 2012, the Charging Party, **(b) (6), (b) (7)(C)** (the "Charging Party"), filed an Unfair Labor Practice Charge against Local 281 (the "Charge"), which alleges Local 281 "restrained and coerced employees by operating a hiring hall in a manner that was arbitrary, discriminatory or in bad faith." Local 281 categorically and unequivocally denies the claims and assertions set forth in the Charge. Furthermore, the Charging Party lacks the standing to bring the present Charge against the Union, as the Charging Party retired from the Union in **(b)** and the Charge specifically refers to allegations "within the last six months." (see Basis of the Charge). Therefore, the Union respectfully requests that the instant Charge be dismissed with prejudice.

BACKGROUND

The Union is a labor organization that represents and collectively bargains wages and terms of employment for its journeymen and apprentice members. Its principal place of business is located at 11900 S. Laramie Avenue, in Alsip, Illinois. The Union is comprised of approximately 1,100 journeymen, 375 retirees, and 200 apprentices.

Over at least the last six months, approximately 475-480 journeymen and apprentices have been out of work. The Union does not operate a hiring hall or referral hall, however, it does maintain a list of all known journeymen who are out of work, listed by alphabetical order with city of residence and contact phone number, which is distributed to all signatory contractors on a weekly basis. Signatory contractors **are not** required to hire off this list, nor is the list an endorsement or referral for members on the list to be hired by a signatory contractor. All 281 journeymen who are out of work are encouraged and expected to find their own employment within the unionized sprinkler fitter industry. The Union does not limit or prevent any out of work journeyman who is current on his or her union dues to be placed on this per se out of work list, and the list is maintained by the Union office staff based on the members' own representations and phone calls to the Union informing the staff of their employment status. A journeyman remains on the out of work list until he or she secures employment and informs the Union of said employment. The Union does not arbitrarily, or otherwise, remove individuals from the list. Retired members are not, by definition, on the list, as it is maintained for active journeymen members who are out of work seeking employment.

To the best of the Union's knowledge, the Charging Party is not employed with U.S. Fire Protection in a capacity that is covered by the collective bargaining agreement. Furthermore, the Charging Party has not filed any grievances or complaints through the Union against U.S. Fire

Protection with allegations related to any breach of said collective bargaining agreement. Furthermore, the Charging Party retired from employment and active membership in (b) (6), (b) .

ARGUMENT

The Charge against the Union must be dismissed for two primary reasons. First and foremost, the Charging Party does not have standing, as a retiree, to bring said charges under the National Labor Relations Act. Second, the Union does not operate a hiring hall nor does it serve as a referral hall under the Act. Finally, under no circumstances has the Union acted in a manner that is arbitrary, discriminatory or in bad faith with respect to its members rights under the Act. The Union, like the rest of this nation, is experiencing some of the most difficult economic times in decades. While it would prefer that all of its members, journeymen and apprentices alike, to be working, the reality is that for at least the past six months (if not longer), the Union has maintained a steady 38-40% unemployment. The Union maintains that it is fulfilling its duty to its members to the best of its abilities in light of the trying economic times, and has, in no way, engaged in the course of conduct for which it is being accused.

The Charge must be dismissed as the Charging Party lacks standing. The Supreme Court in *Allied Chemical* stated, “The Act . . . is concerned with the disruption to commerce that arises from interference with the organization and collective-bargaining rights of ‘workers’ – not those who have retired from the work force. . . . Nowhere in the history of the NLRA is there any evidence that retired workers are to be considered as within the ambit of the collective-bargaining obligations of the statute.” 404 U.S. 157 (1971). The Seventh Circuit has also adopted this view, stating, “*Allied Chemical* states the general proposition that retired workers are entitled to benefits negotiated while they were **active** employees, whereas their continuing

benefits after retirement are not required by statute to be within the bargaining obligation of the union.” *Sample v. U.S.*, 65 F.3d 939 (7th Cir. 1995) (emphasis added). The Charging Party in the instant case is no longer an active employee, having retired in (b) (6), (b) . Furthermore, (b) Charge alleges that the Union committed this malfeasance “within the last six months.” The Charging Party, to the best of the Union’s knowledge, has not rescinded (b) retirement or actively engaged in seeking employment. To the best of the Union’s knowledge, the Charging Party is currently collecting (b) hard-earned pension as a retired member. Thus, the Charging Party does not have grounds to bring the instant Charge, and it must be dismissed.

As previously explained, the Union does not operate a hiring or referral hall as defined by the Act, so therefore, the Charge misstates its alleged facts and must be dismissed as baseless. Furthermore, the Charging Party does not indicate in what manner the Union allegedly acted arbitrary, discriminatory or in bad faith, thereby warranting dismissal on the grounds of being vague and baseless.

CONCLUSION

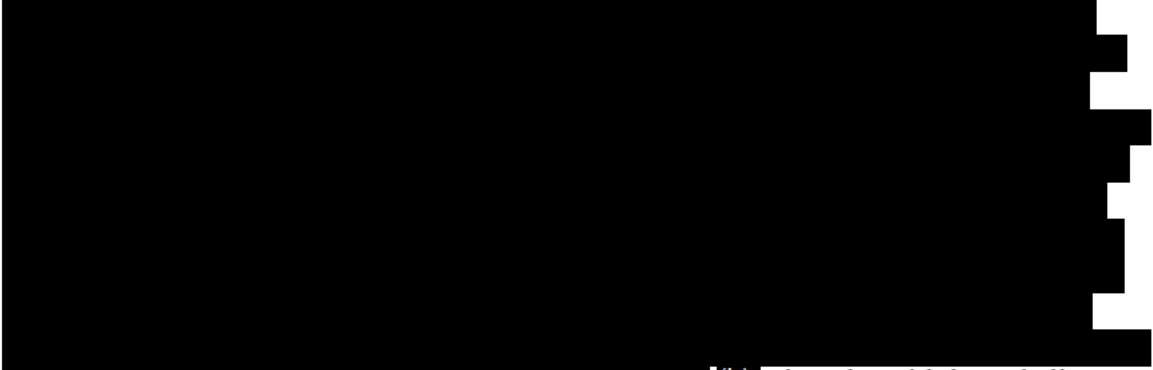
Based on the foregoing, the Union respectfully requests that the Charge be dismissed with prejudice. If you have any further questions or need additional information or documentation based on the contents of this Position Statement, please do not hesitate to contact me.

Respectfully submitted,

/s/Matthew J. Cleveland

MMZ

During the CP's initial interview, the topics discussed, (b) (5), (b) (6), (b) (7)(C)
had to do with the operation of a referral hall (b) (5), (b) (6), (b) (7)(C), (b) (7)(D)



(b) signed a withdrawal slip.

DM

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

WITHDRAWAL REQUEST

In the matter of Grunkler 13-CB-78442
(Name of case) (Number of case)

This is to request withdrawal of the (petition) (charge) in the above case.

(b) (6), (b) (7)(C)

Withdrawal request approved

(Date)

(b) (6), (b) (7)(C)

of Representative)

Inverval

(Title)

Regional Director,
National Labor Relations Board.

Date 30 4/27/17

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

WITHDRAWAL REQUEST

In the matter of Spunkler Fitness and Athletic Union 251 13-CB-78443
(Name of case) (Number of case)

This is to request withdrawal of the (petition) (charge) in the above case.

Withdrawal request approved

Peter Sung An (9. Mon)
(Date)

Aprio May 9, 2012
Regional Director,
National Labor Relations Board.

(b) (6), (b) (7)(C)
By (b) (6), (b) (7)(C)
(Representative)
Imvubal
(Title)

Date TO 4/27/12



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
209 S LA SALLE ST STE 900
CHICAGO, IL 60604-1443

Agency Website: www.nlrb.gov
Telephone: (312)353-7570
Fax: (312)886-1341

May 10, 2012

MATTHEW J. CLEVELAND, ESQ.
HOGAN, MARREN LTD.
205 N MICHIGAN AVE STE 4300
CHICAGO, IL 60601-5983

Re: Sprinkler Fitters and Apprentices Local
Union 281 UA (US FIRE PROTECTION)
Case 13-CB-078443

Dear Mr.CLEVELAND:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Peter Sung Ohr

PETER SUNG OHR
Regional Director

cc: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

SPRINKLER FITTERS AND APPRENTICES
LOCAL UNION 281 UA
11900 S LARAMIE AVE
ALSIP, IL 60803-3125

MAGHAN A. GONNISSEN, attorney
FORD & BRITTON, PC
33 North Dearborn Street, Suite 300
Chicago, IL 60602

US FIRE PROTECTION
28427 N BALLARD DR
UNIT H
LAKE FOREST, IL 60045-4551

dm/djs